



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 28, 2014
Applicant: Shea Homes, LP
Case No.: PCC-14-052
Address: 35 Tamarindo Way, Chula Vista, Ca.
Assessor's Parcel Number 623-250-09-00
Project Planner: Richard Zumwalt, A.I.C.P.

Notice is hereby given that on October 28, 2014, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-14-052, filed by Shea Homes Limited Partnership ("Applicant/Property Owner"). The project requests approval of a Conditional Use Permit to operate a temporary Model Home and parking lot at 35 Tamarindo Way, Chula Vista, Ca. ("Project Site") The project includes the use of one existing 2,332 - square foot single family home as a model home, conversion of the 462 square foot garage to a temporary sales office, temporary signage, fencing and landscaping, and construction of 4 parking spaces, including 1 space in the driveway, and 3 surface spaces, and a temporary handicapped accessible restroom on the adjacent lot. The project site is zoned Single Family Residential (R-1-5-P) and it has a General Plan designation of Residential Low-Medium (RLM), permitting single-family residential development at densities ranging from 3-6 dwelling units per acre. The subject site includes lots 15 and 16 of Tract Map CVT-12-01.

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of the temporary use of one single-family home as a model home, temporary conversion of the garage into an office, and construction of 4 parking spaces, an accessible restroom, temporary signage and landscaping. This use constitutes negligible or no expansion of an existing single-family use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A and 19.58.320.C of the Chula Vista Municipal Code (CVMC) has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.*

The location of the temporary model home and parking lot is desirable due to its high visibility and proximity for vehicular access to the intersection of Hilltop Drive and Tamarindo Way, to serve as the sales facility for the 35 Tamarindo Way Project, which is a new residential development project consisting of 16 single-family detached homes. The model home will allow the applicant to provide a temporary centralized facility to conduct home sales and provide information to the general public regarding the 16-lot single-family residential development project at 35 Tamarindo Way.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*

This location of the model home and parking lot immediately adjacent to the intersection of Hilltop Drive and Tamarindo Way will centralize and minimize the amount of automobile traffic using the street to the west of the project site, that would reduce potential negative traffic affects to the adjacent residential neighborhood. The sales office will operate during the daytime hours between 10 a.m. and 6 p.m. and therefore will not affect the surrounding area during evening and early morning hours. The project architectural and landscape design will complement and enhance the image of the surrounding residential neighborhood. The project is conditioned to require the applicant to post bonds in an amount to be determined by the Zoning Administrator to be adequate to insure that the temporary features of the model home, such as the office, restroom facilities, signage, flags, and parking lot and shall be removed at the completion of sale of all units. The parking lot and restroom will be constructed in compliance with handicapped accessibility requirements to provide sufficient parking and facilities for customers. Thus, the model home complex and temporary parking lot will not be detrimental to the health, safety or general welfare of the neighborhood.

3. *That the use will comply with the regulations and conditions specified in the code for such use.*

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent to operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-14-052.

4. *That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.*

The proposed temporary use is permitted within the R-1-5 single-family residential zone upon approval of a Conditional Use Permit pursuant to Development Regulations of CVMC Section 19.14.080 and 19.58.320 C. The General Plan does not specifically address temporary uses, so approval of the Project would not adversely affect the implementation of the General Plan. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Zoning Ordinance and Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-052 as described above subject to the following conditions of approval.

- I. The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. The Project shall be constructed in substantial conformance with the approved site plans and floor plans dated September 22, 2014, temporary signage plan dated September 29, 2014, and concept landscape plan dated September 16, 2014.

3. Prior to use of the sales office, obtain issuance of building permit B14-1519 to the satisfaction of the Building Division, for the conversion of the garage to a sales office, and permits for any separate accessory structures such as cabana buildings, fireplaces, barbecue islands, or patio covers.
4. Submit two (2) faithful performance bonds to ensure conversion and removal of temporary facilities and improvements, prior to issuance of the building permit for the model home sales office, as follows:
 - a. One (1) \$3,000 bond for the model home on lot 16 for the sales office, temporary model home signage and flags, and trap fencing;
 - b. One (1) \$1,000 bond for the temporary parking lot, accessible restroom, landscaping and model home signage on lot 15;
 - c. There is no specific format required for these bonds. When the offices are converted back into a garage, and the signage, flags, temporary parking lot, and the temporary accessible restroom and landscaping are removed, the applicant shall submit a letter to the Development Services Department requesting release of the bonds
5. Temporary freestanding on-site subdivision signage shall comply with the signage requirements of CVMC Section 19.60.600(E)(2), and signage plans and elevations dated 9/29/14, as follows:
 - a. Permitted temporary signs shall be erected at the locations specified on the signage site plan. Signs include one freestanding Project Identification sign with 32 square feet of sign area, not to exceed 10 feet in total height; and one model home sales information sign which is 6 feet high with an area of 12 square feet; and one sales office parking sign which is 5 feet high with an area of 9 square feet
 - b. Temporary signs shall comply with sight visibility requirements of the Land Development - Engineering Division, and shall not be located closer than 10 feet from the edge of the curb.
 - c. Permitted temporary flags shall be erected at the locations specified on the signage site plans. Temporary flags shall not exceed 24 square feet in size and the height of flag poles shall not exceed 21 feet in height.
 - d. Obtain approval of sign permits for any temporary signs requiring approval of a sign permit.
 - e. Signage shall be removed within 10 days of when the model home ceases to be used for the sale of homes.

Building Division:

Obtain approval of Building Permits and pay the required fees for the model home sales office and for accessory structures (if applicable), to the satisfaction of the City Building Official per the following requirements:

- 6 Building permits shall comply with the 2013 California (Ca.) Building Code, 2013 Ca. Green Building Standards; 2013 Ca. Electrical Code; 2013 Ca. Fire Code; and 2013 Ca. Energy Code, and any other applicable regulations, as amended and adopted by the City of Chula Vista.
- 7 The project must comply with Disabled Access requirements, to the extent mandated by Title 24. The Building Permit shall include a site plan showing that accessible parking stall(s) comply with Title 24.
- 8 The building plans shall specify how the sales office will be heated.
- 9 The building plans must be designed by a State of California licensed architect or engineer, per Ca. Business and Professions Code 5536 1, 6735.
10. An additional sign shall be posted in a conspicuous place at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space. The sign shall not be less than 17 inches by 22 inches in size with lettering not less than 1 inch in height, which clearly and conspicuously states the following:

“Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at owners’ expense. Towed vehicles may be reclaimed at _____ or by telephoning _____”
(Blank spaces are to be filled in with appropriate information as a permanent part of the sign).
11. Building plans shall include details showing detectable warnings at hazardous vehicular areas, such as zero curb areas and curb ramps.

Land Development Division /Landscape Architecture

12. Prior to final inspection for the sales office building permit, the Applicant shall install landscaping and related hardscape improvements in accordance with approved landscape improvement plan drawing #14-040.

Land Development Division/Engineering

13. The Applicant shall obtain a construction permit from the Development Services Department to perform all work in the City’s right-of-way, such as signs or fences.

Fire Department

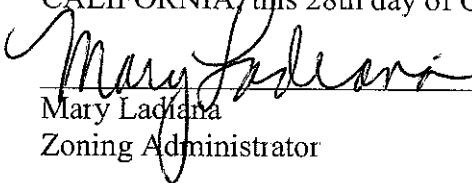
14. The Applicant shall apply for required building permits. Permits shall comply with the 2013 Ca. Building Code, 2013 Ca. Fire Code, 2013 Ca. Mechanical Code and Residential Code, as amended and adopted by the State of California and City of Chula Vista.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

15. The Applicant shall maintain the Project in accordance with the approved site plan and floor plans dated September 22, 2014, temporary signage plan dated September 29, 2014, and concept landscape plan dated September 16, 2014, and the conditions of approval contained herein.
16. The hours of operation shall be from 10 am to 6 pm Tuesday through Sunday and 2 pm to 6 pm on Monday.
17. The landscaping shall be well-maintained and the site kept free of litter, trash and debris at all times.
18. The operation of the model home sales office use is contingent on the on-going sale of land and buildings that are part of the 16-lot single-family residential development project. This use shall terminate, and this Conditional Use Permit shall expire, 60 days after the sale of the last house of the project. After this time limit has expired the commercial use shall cease, temporary improvements removed, and alterations made to convert the model home complex and sales office to residential use, or removed at the owner's expense.
19. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19 66 and Performance Standards and Noise Control, Chapter 19 68.
20. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code.
21. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
22. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.

23. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
24. Any violations of the terms and conditions of approval of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
25. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 28th day of October, 2014.



Mary Ladiara
Zoning Administrator